

Chairman Berry & Members of the Committee,

My name is Scott Lemert I am a Master Plumber from Livingston and a Master Plumber Member of the Board of Plumbers. I am here representing the Board of plumbers today to testify in support of HB 109. In FY 2011, 91 complaints were filed for board review.

The Plumbing Board supports HB109 for the following reasons:

- The Board regularly receives complaints from your constituents (homeowners) asking for help with unlicensed plumbers whose work has caused damage to their homes. In some cases this damage is so extreme as to render those homes uninhabitable due to sewer gas, water damage and in some instances, raw sewage entering their homes.
- County attorneys are not interested in pursuing license violations as misdemeanor violations as they are too busy with other matters.
- The licensing of our profession is an important, necessary regulation for the protection of the public health, safety, and welfare. This bill will allow the Board to recover a portion of legal fees and for the department to impose a penalty deter egregious cases of unlicensed plumbing.
- Under current law, the Board is obligated to investigate complaints alleging unlicensed plumbing, but it has very limited authority to do anything about it. The Board is only able to either:
 - demand the respondent to "cease & desist," not a very effective deterrent to most people who violate the licensing law; or
 - file a lawsuit with the district court, seeking an injunction.
- The only effective action the Board has to stop unlicensed plumbing is to seek an injunction that prohibits the violators from continuing what is, in the first instance, an illegal activity.
- ✕ As you are aware, our board is fully funded by our licensees. Licensing fees have been recently increased, an increase that was justified, in large part, due to the costs associated with investigating and taking action against unlicensed plumbers.
- ✕ Without this bill, the Board must expend its licensees' financial resources to protect the public against unlicensed plumbing, without the ability to recover its costs, without a meaningful deterrent, and without satisfactory action on behalf of the homeowner who was damaged.
- For example, there is little comfort we can provide one homeowner who came to the Board asking for help after that owner's home was made uninhabitable due to faulty piping allowing raw sewage to spew out of an upstairs toilet line into the living room. Issuing the respondent an after-the-fact demand to "cease and desist" in such matters is an insult at best.
- With this bill, the Board can let the homeowner know that a successful administrative injunction action will prevent the violator from causing damage to other people's residences and may require the violator to pay a penalty for the conduct.
- Most important, while enabling the Board to effectively carry out its purpose, this administrative process for injunctive relief will carefully safeguard each respondent's right to due process by:
 - giving the respondent a hearing before an impartial hearings examiner; and
 - providing for judicial review, which includes discretion in the district court to remove any and all fees and penalties.